

**CHAPTER 1021—PRIVILEGES AND LEASES**

Sec.

102101. General provisions.  
 102102. Authority of Secretary to enter into lease for buildings and associated property.

**§ 102101. General provisions****(a) LIMITATION.—**

(1) **NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH FREE ACCESS.**—No natural curiosity, wonder, or object of interest shall be leased or granted to anyone on such terms as to interfere with free access by the public to any System unit.

(2) **EXCEPTION FOR GRAZING LIVESTOCK.**—The Secretary, under such regulations and on such terms as the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when, in the Secretary's judgment, the use is not detrimental to the primary purpose for which the System unit was created. This paragraph does not apply to Yellowstone National Park.

(b) **ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.**—The Secretary may grant privileges and enter into leases described in subsection (a), and enter into related contracts with responsible persons, firms, or corporations, without advertising and without securing competitive bids.

(c) **ASSIGNMENT OR TRANSFER.**—No contract, lease, or privilege described in subsection (a) or (b) that is entered into or granted shall be assigned or transferred by the grantee, lessee, or licensee without the prior written approval of the Secretary.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3152.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102101 .....	16 U.S.C. 3 (last sentence).	Aug. 25, 1916, ch. 408, § 3 (last sentence), 39 Stat. 535; Mar. 7, 1928, ch. 137, § 1 (matter relating to section 3 of the Act of August 25, 1916, in 12th undesignated par. under heading "NATIONAL PARK SERVICE"), 45 Stat. 235; Pub. L. 85–434, May 29, 1958, 72 Stat. 152; Pub. L. 105–391, title IV, § 415(b)(1), Nov. 13, 1998, 112 Stat. 3515.

In subsection (a)(1), the word "rented" is omitted as included in "leases".

In subsections (b) and (c), the word "permit" is omitted for consistency because a permit is not mentioned earlier in the source provision.

In subsection (c), the word "lessee" is substituted for "permittees" for consistency in the section.

**§ 102102. Authority of Secretary to enter into lease for buildings and associated property**

(a) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, and except as provided in subsection (b) and subject to subsection (c), may enter into a lease with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the System.

(b) **PROHIBITED ACTIVITIES.**—The Secretary may not use a lease under subsection (a) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concession contract, commercial use authorization, or similar instrument.

(c) **USE.**—Buildings and associated property leased under subsection (a)—

(1) shall be used for an activity that is consistent with the purposes established by law for the System unit in which the building is located;

(2) shall not result in degradation of the purposes and values of the System unit; and

(3) shall be compatible with Service programs.

**(d) RENTAL AMOUNTS.—**

(1) **IN GENERAL.**—With respect to a lease under subsection (a)—

(A) payment of fair market value rental shall be required; and

(B) section 1302 of title 40 shall not apply.

(2) **ADJUSTMENT.**—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

**(e) SPECIAL ACCOUNT.—**

(1) **DEPOSITS.**—Rental payments under a lease under subsection (a) shall be deposited in a special account in the Treasury.

(2) **AVAILABILITY.**—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at System units, including—

(A) facility refurbishment;

(B) repair and replacement;

(C) infrastructure projects associated with System unit resource protection; and

(D) direct maintenance of the leased buildings and associated property.

(3) **ACCOUNTABILITY AND RESULTS.**—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102701, and 102702 of this title.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations implementing this section that include provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3152.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102102(a) .....	16 U.S.C. 1a–2 (matter before (a)). 16 U.S.C. 1a–2(k)(1).	Pub. L. 91–383, § 3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Pub. L. 91–383, § 3(k), as added Pub. L. 105–391, title VIII, § 802(a), Nov. 13, 1998, 112 Stat. 3522.
102102(b) through (d).	16 U.S.C. 1a–2(k)(2) through (4)(B).	
102102(e) .....	16 U.S.C. 1a–2(k)(5).	